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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,767	04/27/2000	Paul Andrew Miller	1322/21/2	2616
25297	7590	02/26/2004	EXAMINER	
JENKINS & WILSON, PA 3100 TOWER BLVD SUITE 1400 DURHAM, NC 27707			PEZZLO, JOHN	
			ART UNIT	PAPER NUMBER
			2662	20

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/559,767		<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> John Pezzlo		<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-7, 13-19</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This application is a CIP of US Patent Application No. 09/205,809 now US Patent 6,324,183 B1. This application claims priority to a provisional application, 60/131,254, filed 27 April 1999. Since the US Patent 6,324,183 B1 does not mention a database or a routing table in the specification or the claims, the priority date for this application is based on the provisional application, 60/131,254, filed 27 April 1999.

#### ***Information Disclosure Statement***

IDS, paper number 7, submitted 2 July 2001, items 4-10, the TEKELEC articles were not in the file wrapper and the examiner could not obtain the references cited, therefore these articles were not considered. If the applicant's submit the articles, the examiner suggests hand carrying the copies to the PTO, the examiner will consider and sign-off the IDS sheet.

#### ***Claim Objections***

Claims 20, 95 and 96 are objected to because of the following informalities:

1. Regarding claim 20 – Line 4, "he" needs to be corrected.
2. Regarding claims 95 and 96 – Both claims are directed to a computer program product but depend from a method claim.

Appropriate corrections are required.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

I. Claims 1-96 are rejected under 35 U.S.C. 102(e) as being anticipated by LaPier et al. (US 6,333,931 B1) hereinafter LaPier.

1. Regarding claims 1 and 28 and 44 and 64 and 81 – LaPier discloses a network element, a method and a computer program product capable of routing a signaling message based at least in part on a Circuit Identification Code (CIC), refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to

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55 and column 9 lines 9 to 67 and column 10 lines 1 to 45 and column 12 lines 63 to 67 and column 13 and column 14 lines 1 to 45 and columns 19-23 and column 24 lines 1 to 40.

LaPier discloses a first and a second communication module (SAS and NAS) which transmit and receive messages from two different networks, PSTN and a data network, refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55.

LaPier discloses a CIC Routing Database (CRD) that is uniquely keyed or indexed at least in part by CIC values and that contains routing instructions associated with each unique key or index value, refer to column 9 lines 9 to 67 and column 10 lines 1 to 45 and column 12 lines 63 to 67 and column 13 and column 14 lines 1 to 45 and columns 19-23 and column 24 lines 1 to 40 and column 31 lines 32 to 63.

LaPier discloses a message routing process associated with one of the first and second communication modules for performing a lookup in the CIC routing database based on information extracted from a first message received by one of the first and second communication modules to locate routing instructions for the first message, refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55 and column 9 lines 9 to 67 and column 10 lines 1 to 45 and column 12 lines 63 to 67 and column 13 and column 14 lines 1 to 45 and columns 19-23 and column 24 lines 1 to 40.

2. Regarding claims 2 and 8 and 10 and 16 and 17 and 29 and 31 and 45 and 47 and 59 and 65 and 82 – LaPier discloses that the first message is an SS7 message, refer to Figures 1A and

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1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55.

3. Regarding claims 3 and 20 and 30 and 33 and 39 and 46 and 66 and 83 and 95 – LaPier discloses that the SS7 message is a ISDN User Part (ISUP) message signaling unit (MSU), refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55.

4. Regarding claim 4 – LaPier discloses a setup of a voice-type call through a data network, refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55 and column 35 lines 54 to 62.

5. Regarding claims 5 and 7 and 9 and 11 and 32 and 47 and 48 – LaPier discloses a IP network, refer to Figures 1A and 1B and column 2 lines 24 to 67 and column 3 lines 1 to 44 and column 4 lines 58 to 67 and column 5 and column 6 lines 1 to 55.

6. Regarding claim 6 – LaPier discloses an ATM network in US Patent 6,111,893, which is incorporated by reference, refer to column 10 lines 11 to 25.

7. Regarding claims 12 and 13 and 14 and 15 and 36 and 37 and 38 and 51 and 52 and 53 and 60 and 61 and 62 and 63 and 69 and 70 and 71 and 77 and 78 and 79 and 80 and 86 and 87 and 88 and 94 and 96 – LaPier discloses that each CRD database record includes the IP address

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and status and ownership information and accounting associated with a Media Gateway

Controller (MGC) type node, refer to column 6 lines 4 to 27 and columns 19-23 and column 24 lines 1 to 40.

8. Regarding claims 18 and 19 – LaPier discloses that the CRD database is a RAM or an optical disc, refer to column 9 lines 9 to 67 and column 10 lines 1 to 45 and column 11 lines 25 to 65.

9. Regarding claims 21 and 22 and 34 and 35 and 49 and 50 and 67 and 68 and 84 and 85 – LaPier discloses that each key or index value includes a DPC and a CIC and an OPC, refer to columns 13-16 and columns 19 and 20 and column 36 lines 6 to 22.

10. Regarding claims 23 and 24 and 25 and 26 and 27 and 40 and 41 and 42 and 43 and 54 and 55 and 56 and 57 and 58 and 72 and 73 and 74 and 75 and 76 and 89 and 90 and 91 and 92 and 93 – LaPier discloses an accounting subsystem and that the message is encapsulated in SCCP and the subsystem performs usage and measurements and includes billing, refer to column 6 lines 4 to 55 and column 9 lines 17 to 67 and column 10 lines 1 to 10.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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1. Bartholomew et al. (US 6,292,479 B1) discloses a transport of caller identification information through diverse communication networks.
2. Balachandran et al. (US 6,208,642 B1) discloses an architecture independent application invocation over a telephony network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on from 8:30 AM to 4:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306.

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

Crystal Park 2



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Arlington, VA.

John Pezzlo

20 February 2004



JOHN PEZZLO  
PRIMARY EXAMINER